

Staff Report
Special Exception
Board of Zoning Appeals
July 27, 2016

**BOONE COUNTY
BOARD OF ZONING APPEALS**

A. Petition Number:	16WA-7-088
B. Applicant:	Joseph and Angela Talbert
C. Identification Number:	011-072-3000
D. Location:	The location of the subject 2.18 is located east of State Road 39 and south of County Road 500 North; Lebanon, IN 46052. The current zoning of the property is General Agricultural (AG).
E. Parcel History:	<u>History of Parcel</u> The proposed 2.18 lot represents the first split out of the parent tract of 39.98 acres owned by Joseph and Anita Talbert. Mr. Joseph and Anita Talbert have owned the property prior to the enacted date (November 1, 1998) of the Boone County Zoning Ordinance. In the event, any future splits would occur for new residential lots, the applicant would be required to apply for a Special Exception with Minor Plat.
F. Land Use and Zoning:	<u>Present Zoning</u> The present zoning classification of this property is General Agricultural (AG).
G. Action Requested:	<u>Special Exception</u> The applicant is seeking a Special Exception for the allowance of constructing a new single family residence in the General Agricultural Zoning District.
H. Soil Boring Report:	<u>Boone County Health Department</u> Letter Drafted: June 23, 2016 This office received a set of soil borings dated March 21, 2016 and May 3, 2016 for the proposed lot located at 15 W. 500 North; Lebanon, IN 46052. The soil borings were taken by Lewis Flohr. In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the septic system is installed. Drainage will need to be available for this lot due to the seasonal high water table.
I. Utilities:	The subject property will be serviced by septic and well facilities.
J. Technical Advisory Committee Comments:	This item was reviewed by the (TAC) Technical Advisory Committee on July 5, 2016 and had the following comments: <u>Boone County Health Department</u> Letter Drafted: June 23, 2016 This office received a set of soil borings dated March 21, 2016 and May 3, 2016 for the proposed lot located at 15 W. 500 North; Lebanon, IN 46052. The soil borings were taken by Lewis Flohr. In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the

Applicant: 16WA-7-088

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

**K. Director's Determination
and Standards for Special
Exception & Staff
Analysis:**

date of when the borings were taken and the date of when the septic system is installed.

Drainage will need to be available for this lot due to the seasonal high water table.

Boone County Surveyors Office

The property has identified a proper drainage outlet for the property. The applicant will be required to apply for drainage permit for the primary and accessory structures.

Boone County Highway Department

The proposed driveway along County Road 500 North will require an application for a new driveway permit. A driveway permit approval is required prior to the release of the Improvement Location Permit (ILP) for the new single family residence.

Boone County Area Plan Commission

APC Director Determination of Land Use Process

The APC Director determined the subject property requires a Special Exception approval based on Table 2, Authorized Use of the Boone County Zoning Ordinance which requires Special Exception approval for a new single family dwelling in the General Agricultural District.

Standards for Evaluating Special Exceptions

Per Indiana Code 36-7-4-918.2, the Board may impose reasonable conditions as part of the approval. Per Indiana Code SS 36-7-4-921(a) (1), the Board may require the owner of the parcel to make a written commitment concerning the use or development of that parcel. In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Special Exception:

Evaluation Standard -1

The establishment, maintenance, or operation of the Special Exception will not be detrimental to or endanger the public health, safety, morals or general welfare.

APC Staff Comments:

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC) meeting, APC staff finds the petitioner has demonstrated to APC staff the ability to satisfy the zoning provisions of the Ordinance. The ability to meet the standards of the Ordinance inherently uphold the protection of the police power and pose no threats to endanger the public, health, safety, morals, or general welfare of the community.

Evaluation Standard -2

The Special Exception will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted.

Applicant: 16WA-7-088

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

As indicated by the materials submitted in the Special Exception application and the findings of Technical Advisory Committee (TAC), APC staff finds in review of this petition, the application meets the standards of the zoning ordinance and poses no threat to the surrounding properties by the evidence submitted in the application for the future existence of the proposed single family home.

Evaluation Standard-3

The establishment of the Special Exception will not impede or substantially alter the normal and orderly development and improvement of surrounding property for uses permitted in the District.

The applicant has stated the special exception request is for the establishment of a building lot. In conducting property research on the property, the subject property is located in rural residential area, therefore, the future use of the property for a single residential dwelling will not impede adjacent properties from viable use of the land in the future.

Evaluation Standard-4

Adequate utilities, access road, drainage and other necessary Facilities have been or are being provided.

The applicant has stated in the application, the proposed lot will provide area for on-site septic system and private well.

Septic System-Boone County Health Department

Letter Drafted: June 23, 2016

This office received a set of soil borings dated March 21, 2016 and May 3, 2016 for the proposed lot located at 15 W. 500 North; Lebanon, IN 46052. The soil borings were taken by Lewis Flohr. In general, the soil borings for this lot are suitable for an in-ground septic system as long as no soil disturbance occurs in the soil boring area between the date of when the borings were taken and the date of when the septic system is installed.

Drainage Outlet

The applicant has demonstrated a viable drainage outlet for the site and will need to apply for the required Drainage permit.

Access Road-County Road 500 North

The proposed driveway along County Road 500 North will require a driveway permit from the Boone County Highway Department. The proposed location centered on the lot does not impede traffic flow or raise traffic concerns for the area. .

Evaluation Standard-5

Adequate measures have been or will be taken to provide ingress and egress so designated as to minimize traffic congestion on the public roadways.

The utilization of the 1 new driveway will not significantly increase or alter the current level of traffic flow on County Road 500 North.

Applicant: 16WA-7-088

Date: July 27, 2016 BZA Meeting

Petition: Special Exception for New Single Family Home

L. Staff Recommendation:

Evaluation Standard-6

The Special Exception will be located in a district where such use is permitted and all other requirements set forth in the Boone County Zoning Ordinance which are applicable to such use will be met.

As found in Table 2, Authorized Uses of the Boone County Zoning Ordinance, a Single Family Dwelling is permitted by Special Exception in the Agricultural District, therefore, the applicant has conducted the legal process for allowing a new single family structure in the Agricultural Zoning District.

Based on the submitted information, Area Plan Staff recommends approval of the Special Exception as presented contingent on the following conditions:

- 1) The applicant shall Sign a Right-to-Farm Agreement;*
- 2) The applicant shall Sign a County Drainage Agreement;*
- 3) The applicant shall show a 40' wide Agricultural Buffer which borders agricultural practices;*
- 4) The Improvement Location Permit (ILP) issuance is subject to Final Technical Advisory Committee (TAC) review;*